

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,	File No. 22-CR-86-2 (JWB/ECW)
Plaintiff,	GABRIEL LEMOINE’S
v.	MOTION <i>IN LIMINE</i> TO
Gabriel Lemoine,	PRECLUDE TESTIMONIAL
Defendant.	HEARSAY

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COMES NOW Defendant, and pursuant to the VIth Amendment to the United States Constitution and *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354, 158 L.Ed.2d 177 (2004) and its progeny, hereby moves the Court for a ruling *in limine* prohibiting the government from asking any questions that would elicit, or seeking to otherwise introduce testimonial statements from non-testifying witnesses, “The Confrontation Clause bars ‘admission of testimonial statements of a witness who did not appear at trial unless he was unavailable to testify, and the defendant had had a prior opportunity for cross-examination.’” *United States v. Spencer*, 592 F.3d 866, 878 (8th Cir. 2010) quoting *Crawford*, 541 U.S. 36, 53-54 (2004).

Mr. Lemoine therefore respectfully requests the Court issue a ruling *in limine* prohibiting the Government from introducing any testimonial hearsay in violation of the Confrontation Clause to the United States Constitution.

Respectfully Submitted,

**ANDREW IRLBECK LAWYER CHTD.**

Dated: May 12, 2023

/s/ Andrew M. Irlbeck

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